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September 4, 2018

VIA EMAIL

Alicia R. Duke, Assistant Counsel
Office of Chief Counsel; South Central
Regional Counsel
Department of Environmental Protection
909 Elmerton Avenue
Harrisburg, Pennsylvania 17110

Re: Solebury School's Objection to New Hope Crushed Stone & Lime
Company's August 13, 2018 Response to Comment #3 of the
Department's July 12 and 23, 2018 Letters

Dear Alicia:

Thank you for speaking with Pete Keays last Friday to update him on the various pending issues regarding the New Hope Crushed Stone & Lime Company ("NHCS") quarry. I understand from your call that the Department intends to send NHCS a letter clarifying its obligations and restrictions vis-à-vis blasting and the Furlong Fault ("Fault"). I write to express Solebury School's position on those issues and to make certain related requests. Specifically, Solebury School strongly objects to the erroneous assertions NHCS made in its August 13, 2018 Response to Comment #3 of the Department's July 12 and 23, 2018 Letters, and requests that the Department reject those assertions. Solebury School also requests that the Department prohibit NHCS from blasting any portion of the Fault. If it is not possible for NHCS to timely complete reclamation of the quarry without blasting the Fault, Solebury School requests that the Department take all necessary actions to ensure that blasting of the Fault is minimized to the greatest possible extent, and in any event, prohibit any blasting of the Fault below +102' MSL.

In a letter to NHCS dated July 23, 2018, the Department expressed its expectation "that the [reclamation] drilling and blasting [in NHCS's quarry pit] would be conducted in

such a manner as to prevent any additional adverse hydrologic effects to the Furlong Fault Line and the current prevailing hydrologic balance at or near the Fault.” The Department required NHCS to “provide supplemental information demonstrating that conducting reclamation drilling and blasting will not impact the Furlong Fault in a manner that prevents NHCS from restoring the hydrologic balance to the permit-approved post mining water elevation”, and instructed that until such information “is submitted, and approved in writing, no [reclamation] blasting...shall occur that could potentially affect the Furlong Fault.” On August 13, 2018, NHCS provided a response. In essence, NHCS stated that it can blast the Fault without impacting groundwater restoration because the Fault does not act as a groundwater barrier. That assertion is false, unsupported by data, and unmoored from scientific facts regarding the Fault that were conclusively determined long ago. Moreover, Solebury School’s experts, Ira Sasowski and Michael Byle, wholly reject NHCS’s position.

NHCS asserts that “[n]o adverse hydrologic effects from reclamation drilling and blasting of the Furlong Fault are indicated, as the fault is not a conduit for, or barrier to groundwater flow”, and claims that a shale unit located east of the Fault is what is acting as a barrier to groundwater flow. These claims directly contradict findings of fact that the EHB propounded in its July 31, 2014 Adjudication following a two week hearing, including:

“The Fault will continue to act as a barrier after mining terminated, which will allow groundwater levels to its west, where the School and the quarry are located, to return to their shallow, premining levels.”¹

NHCS does not address this finding. The only evidence NHCS offers to support its convenient yet erroneous claim is a report that NHCS generated in 2010 (four years before the EHB hearing and the resulting findings of fact), and not even NHCS’s own report supports the claim for which it was cited. To the contrary, in the report, NHCS concludes that the Fault *is* a groundwater barrier.² In short, NHCS’s current assertion is wholly unsupported

¹ July 31, 2014 Adjudication, p. 23 at ¶ 186. *See also id.* at ¶ 182 (“The Furlong Fault, which is immediately to the east of the quarry pit (on the far side from the School), is an effective groundwater barrier, which means that almost all of the groundwater that is entering the pit is coming from the other direction, including from the west in the direction of the School.”); *id.* at ¶ 184 (“Prior to mining, the Furlong Fault acted as a groundwater flow barrier, such that it created a water table close to the surface in the Primrose Creek.”).

² *See e.g.*, Hydrogeologic Investigation report (HIR) Addendum Furlong Fault Groundwater Study (July 9, 2010), p. 2 (“Given the relationship between diabase intrusion and faulting, it is likely that the Fault is not a regionally extensive conduit for groundwater flow”); *id.* at p. 11 (“The current investigation is consistent with significant prior site investigations showing that the Fault is not transmitting out of basin flow to the Quarry.”); *id.* at p. 12 (“The observed geology is

by any data, and is in fact contradicted by all the available evidence, including NHCS's own report. The Department must reject NHCS's false premise that the Fault does not act as a groundwater barrier.

Perhaps unsurprisingly given NHCS's flawed premise, NHCS does not provide any indication that it intends to refrain from blasting the Fault. Indeed, the only conclusion that can be drawn from NHCS's response is that NHCS intends to blast the Fault without restriction. This is unacceptable. It has been conclusively established that restoring groundwater to pre-mining levels will reduce or eliminate the occurrence of sinkholes on Solebury School's campus, and that maintaining the Fault is critical for the restoration of groundwater. Further damage to the Fault will cause significant loss of both groundwater and pool water once the quarry is allowed to fill with water, which may very well cause irreparable harm: the groundwater will not be able to return to pre-mining levels and Solebury School will have no recourse to prevent sinkholes from continuing to suddenly open on its campus.

In light of these irrefutable facts and potentially calamitous consequences, Solebury School believes that NHCS must be required to perform reclamation without any drilling or blasting of the fault (regardless of any potential increased expense or inconvenience to NHCS³). If the Department determines that reclamation cannot be completed while completely protecting the Fault from blasting, Solebury School requests that the Department minimize blasting of the Fault to the greatest extent possible, and in any event, prohibit blasting below 102' MSL. Limiting blasting of the Fault to above 102' MSL will help reduce the risk of significant groundwater and quarry pit water loss. Based on the information available, Solebury School's experts believe that reclamation can be completed with this limitation in place, although doing so may require a reduction of the bench height and/or an increase in the planned slope angle along the stretch of the east wall where the Fault is exposed.

consistent with results of the current study that shows a lack of significant hydraulic inflow from the Fault from out of basin groundwater sources.”).

³ It is worth noting that NHCS's fairly recent decision to use blasting for reclamation is born out of its own decision to ignore its reclamation obligations for much of the two-and-a-half years that have passed since the Department issued its January 29, 2016 letter. Indeed, if NHCS had performed reclamation by backfilling at the rate required by the January 29th letter, there would be no need to resort to blasting—a faster but more impactful reclamation method—in order to meet the March 2019 reclamation deadline. Moreover, if NHCS had not mined so close to the Fault, it would have been able to use blasting to form the reclamation slope without blasting the Fault itself. In sum, the Fault is currently being threatened because of NHCS's actions to extract profit while ignoring its reclamation obligations and all other considerations. The Department should not allow NHCS to blast the Fault because of NHCS's previous failures.

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Once again, Solebury School appreciates the Department's cooperation and willingness to discuss the remaining issues pertaining to NHCS. Solebury School hopes that the Department recognizes that protecting the Furlong Fault is critical to our mutual interests and acts accordingly.

Solebury School would be happy to make its experts available to discuss the technical aspects of its concerns and proposals regarding the Fault with the appropriate Department personnel. And of course, please contact me if you would like to discuss these issues or the Department's anticipated letter responding to NHCS's August 13th submission.

Very truly yours,



Steven T. Miano

STM/pvk

Cc: Nels J. Taber, Esquire (via email)
Jordan B. Yeager, Esquire (via email)